



05-05-06

TPW

Atty. Docket No.: 208912/2015 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Seery, L.
Serial No.: 10/781,581
Filed: February 18, 2004
Titled: Apoptosis-related Kinase/GPCRs

Examiner: Bugaisky, G.
Group Art Unit: 1656
Conf. No.: 2809

CERTIFICATE OF MAILING UNDER 37 CFR 1.10

I hereby certify that the paper (and any paper or fee referred to as being enclosed) is being deposited with the United States Postal Service using Express Mail to Addressee Service, under 37 C.F.R. Section 1.10, Express Mail Label No. EV755066986US on this date, May 3, 2006, postage prepaid, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Katie Manzione

Name of Person Mailing

Signature of Person Mailing Paper

**Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

TRANSMITTAL LETTER

Enclosed for filing in the above-identified patent application, please find the following documents:

1. Response to Office Action mailed April 3, 2006; and
2. Return Post Card.

The Commissioner for Patents is hereby authorized to charge any fees to Deposit Account No. 16-0085, Reference 208912/2015. A duplicate of this transmittal letter is enclosed for this purpose.

Respectfully submitted,

Name: Matthew Beaudet
Registration No.: 50,649
Customer No.: 29933
Edwards Angell Palmer & Dodge LLP
P.O. Box 55874
Boston, MA 02205
Tel: 617-239-0100

Date: May 3, 2006



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REPLY TO OFFICE COMMUNICATION

Sir:

This Amendment is being filed in response to the Office Communication mailed from the U.S. Patent and Trademark Office on April 3, 2006 in the above-identified application.

Reconsideration and further examination are requested.

The Office Communication indicates that the response to restriction requirement filed on January 23, 2006 is not fully responsive because Applicants did not indicate which of the claims of Group I read on the elected subject matter.

Claims 1-3 read on the elected subject matter. The Office Communication also states that if the elected sequence is a cytoplasmic kinase, then Applicants must elect between assays using purified enzyme and those using expression of the enzyme within a cell, because "the assays utilize different products and require separate searches." Applicants respectfully disagree.

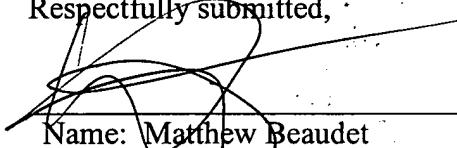
The instant claims require providing the elected protein (encoded by SEQ ID NO: 226), contacting it with a test agent, and detecting the presence or absence of a signal generated from

the interaction. The claims are based on the detection of an interaction of the kinase encoded by SEQ ID NO: 266 and a test agent; whether or not that occurs using an isolated enzyme or enzyme expressed in a cell does not impact the search burden on the examiner, because art teaching either species would anticipate the claim. The assays do not utilize different products and do not require separate searches. Moreover, the Examiner has not provided any rationale as to why the two alleged species (isolated vs. cell expressed) are patentably distinct so as to necessitate further restriction.

Applicant submits that all claims are allowable as written and respectfully request early favorable action by the Examiner. If the Examiner believes that a telephone conversation with Applicant's attorney/agent would expedite prosecution of this application, the Examiner is cordially invited to call the undersigned attorney/agent of record.

Respectfully submitted,

Date: May 3, 2006


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